

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Wayne Underwood,)	
)	
vs.)	
)	
Illinois Bell Telephone Company)	
d/b/a SBC)	Docket No. 14-0301
d/b/a AT&T Illinois)	
)	
Petition for a Declaratory Ruling that)	
late fee collections during the period)	
7/1/2002-2/18/2010 violated Illinois)	
Administrative Code Section 735.160(a))	
and should be refunded to customers)	

**STAFF OF THE ILLINOIS COMMERCE COMMISSION'S
RESPONSE TO UNDERWOOD'S MOTION FOR ACCELERATED DECISION**

Pursuant to the Administrative Law Judge's ruling of October 5, 2016, and Rule 200.190 of the Rules of Practice before the Illinois Commerce Commission, the Staff of the Illinois Commerce Commission ("Staff") hereby submits this Response to the Motion of Petitioner Wayne Underwood, d/b/a Swedes Home Repair ("Underwood" or "Petitioner") for Accelerated Decision in the above-captioned proceeding.

1. On or about August 24, 2016, Underwood filed¹ his Motion for Accelerated Decision ("Motion") in the above-captioned proceeding.

2. Underwood requests, in essence, that the Commission enter judgment forthwith, in his favor. See Motion at 2, 3. This Motion should be denied and the

¹ Underwood did not serve his Motion on the Administrative Law Judge, or upon Staff, so far as can be determined.

Administrative Law Judge (“ALJ”) allowed to submit a Proposed Order. In the event that the ALJ determines there is utility in the submission by the parties of Draft Proposed Orders for her review and use, the Staff is prepared to submit one.

3. This matter has no statutory deadline, unlike many other matters before the Commission and the ALJ. Accordingly, it can be disposed of at such time as the ALJ is able to issue a Proposed Order consistent with management of her caseload in other matters that have deadlines or otherwise must be decided by dates certain.

4. Underwood cannot claim that he has been denied justice. In 2013, the Appellate Court affirmed a Circuit Court’s rejection of a claim for reparations of AT&T late charges identical to Underwood’s, brought by another party represented by the same counsel. In re Illinois Bell Link-Up II and Late Charge Litigation, 2013 IL App (1st) 113349, ¶¶28-30; 994 N.E.2d 553, 560-61; *app. den.* 2 N.E.3d 1046 (Ill. 2013). In Staff’s view, therefore, justice has been done, and done three years ago, albeit in a manner unsatisfactory to Underwood.

5. As noted, Staff is prepared to submit a Draft Proposed Order if the ALJ considers such a course of action is warranted.

WHEREFORE, for the reasons set forth above, the Commission should deny Underwood's August 24, 2016 Motion for Accelerated Decision.

Respectfully submitted,

/s/

MATTHEW L. HARVEY
Counsel for the Staff of the Illinois
Commerce Commission

MATTHEW L. HARVEY
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle, Ste. C-800
Chicago, IL 60601
Phone: (312) 793-2877
Fax: (312) 793-1556
E-mail: mharvey@icc.illinois.gov

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